

OPINION
46-96

December 6, 1946 (OPINION)

MARRIAGE

RE: License Fees - Chapter 14-03

Re: Marriage License Fees of County Judges

Your letter of December 3, regarding our opinion as to the lawful fees which may be charged and collected by county judges for issuing marriage licenses, has been received and sent to my desk.

The fee chargeable for a marriage license, as provided by section 14-0322, is one dollar. Section 14-0313 provides that the county judge shall charge not to exceed fifty cents for a serological test, which fee is charged at the time of issuing a marriage license. The fees for serological tests collected during the month must be accounted for to the State Treasurer at the end of the month. The license fees are accounted for to the county, as required by section 11-1014.

Section 12-0809 provides that a county executive officer who charges an unlawful fee is guilty of a misdemeanor. It is therefore our opinion that no county judge may lawfully charge and collect for issuing a marriage license fee of more than one dollar, and for a serological test not to exceed fifty cents.

NELS G. JOHNSON

Attorney General